

REMARKS/ARGUMENTS

The Final office action of November 23, 2005 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1, 8, and 16 are amended. Claims 22-27 are canceled. New claims 28-31 are added. No new matter is added.

Examiner interview

Preliminarily, applicants wish to thank the Examiner for the courtesies extended to the undersigned during the personal interview on January 26, 2006. In accordance with MPEP 713.04, the claim amendments reflect those discussed during the interview and the arguments below include the entirety of the arguments presented during the interview and possibly additional arguments.

Rejection of claims under 35 U.S.C. § 102

Claims 16, 17, and 21

Claims 16, 17, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Garcia (U.S. Patent No. 5,963,012). This rejection is respectfully traversed.

Claim 16, as amended, recites that the polling message includes a data structure having a header and a payload. Garcia fails to teach or suggest a battery charger assembly receiving such a polling message. The Office Action asserts that Garcia provides this feature at col. 2, lines 47-59 as an “electromagnetic resonant wave” (see Office Action, page 9). However, even assuming *arguendo* that the “electromagnetic resonant wave” is a “polling message”, Garcia nevertheless fails to teach or suggest that the “electromagnetic resonant wave” includes a header and a payload. the Office Action’s assertion is erroneous for at least three reasons.

“A claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the

present case, Garcia fails to teach or suggest each and every element set forth in claim 16. Therefore, it is respectfully submitted that the rejection should be withdrawn.

Claims 17 and 21 depend from claim 16 and are allowable for at least the reasons set forth above for claim 16.

Rejection of claims under 35 U.S.C. § 103(a)

Claims 1, 3-5 and 7

Claims 1, 3-5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephens (U.S. Patent No. 5,734,254) in view of Fernandez (U.S. Pat. No. 5,371,453). This rejection is respectfully traversed.

Among other things, claim 1, as amended, recites a communication device coupled to the transmission element for providing data communication to the transmission element and the transmission element being configured to provide inductive data communications to the battery charger assembly based on a polling message having a header and a payload. Stephens and Fernandez, either alone or in combination, fail to teach or suggest this feature.

Stephens discloses a battery pack 10 that is charged by an adapter 40 when in proximity to the adapter 40 (see, e.g., col. 3, lines 50-53). However, Stephens fails to teach or suggest that either the battery pack 10 or adapter 40 includes a communication device coupled to a transmission element which is configured to provide inductive data communications to a battery charger assembly. Nor does Stephens teach or suggest providing inductive data communications based on a polling message having a header and a payload. Rather, Stephens merely discloses an adapter 40 charging a battery pack 10.

Fernandez fails to cure the deficits of Stephens. Like Stephens, Fernandez merely discloses a battery 120 being charged by a charger 100 (see FIG. 1, Fernandez). Fernandez also fails to teach or suggest the recited communication device coupled to the transmission element for providing data communication or the transmission element being configured to provide inductive data communications to the battery charger assembly. Fernandez also fails to teach or suggest providing inductive data communications based on a polling message having a header

and a payload. Indeed, Fernandez fails to teach or suggest a polling message at all. To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because Stephens and Fernandez, either alone or in combination, fail to teach or suggest all elements, it is respectfully submitted that the rejection should be withdrawn.

Claims 3-5 and 7 depend from claim 1 which is allowable. Therefore, claims 3-5 and 7 are allowable.

Claims 8, 10, and 11

Claims 8, 10, and 11 were rejected under 35 U.S.C. § 102 as being anticipated by Parks (U.S. Patent No. 5,455,466) in view of Fernandez. This rejection is respectfully traversed.

Among other things, claim 8, as amended, recites that the coil is configured for receiving the inductive energy and for receiving inductive data communications and the poser supply configured to output a direct current powered by the inductive energy and relevant to the inductive data communication. The Office Action asserts that the “battery pack” is element 225 in FIG. 2 of Parks and that the connector is element 222 in Parks. Even assuming these assertions to be correct (they are not, however), Parks still fails to teach or suggest that a coil is configured to receive inductive energy and configured to receive inductive data communications or the power supply configured to output a direct current powered by the inductive energy and relevant to the inductive data communication. Park fails to teach or suggest inductive data communications at all. Fernandez also fails to provide this feature. Because both Parks and Fernandez, either alone or in combination, fail to teach or suggest all the claim elements, it is respectfully submitted the rejection should be withdrawn.

Claims 10 and 11 depend from claim 8 and are allowable for at least the reasons set forth above for claim 8.

Claims 2 and 6

Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephens in view of Fernandez and further in view of Stobbe (U.S. pat No. 6,275,143). This rejection is respectfully traversed.

Claims 2 and 6 depend from claim 1. As set forth above, Stephens and Fernandez, either alone or in combination, fail to teach or suggest claim 1. The Office Action relies on Stobbe to provide “authentication data for authenticating the battery charger assembly”. See office Action page, 6. Even assuming this assertion to be true, Stobbe still fails to teach or suggest the features of independent claim 1. Nor does the Office Action assert that Stobbe does. The rejection should be withdrawn.

Claims 9, 13, and 15

Claims 9, 13, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parks in view of Fernandez and further in view of Stobbe. This rejection is respectfully traversed.

Claims 9, 13 and 15 depend from claim 8. As set forth above Parks fails to teach or suggest claim 8 as amended. Fernandez and Stobbe, either alone or in combination, fail to make up for the deficits of Parks as set forth above. Therefore, the rejection should be withdrawn.

Claim 12

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Parks in view of Fernandez and further in view of Wendelrup (U.S. Pat. No. 6,291,966). This rejection is respectfully traversed.

Claim 12 depends from claim 8. As set forth above Parks and Fernandez, either alone or in combination, fail to teach or suggest claim 8. Wendelrup fails to make up for the deficits of Parks. The Office Action relies on Wendelrup to provide additional features recited in claim 12 but fails to establish that Wendelrup makes up for the deficits of Parks and Fernandez with regard to the features recited in claim 8. Therefore, the rejection should be withdrawn.

Claim 14

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Parks in view of Fernandez and further in view of Garcia. This rejection is respectfully traversed.

Claim 14 depends from claim 8. As set forth above Parks and Fernandez fail to teach or suggest claim 8. Garcia fails to make up for the deficits of Parks and Fernandez. The Office Action relies on Garcia to provide additional features recited in claim 14 but fails to establish that Garcia makes up for the deficits of Parks and Fernandez with regard to the features recited in claim 8. Therefore, the rejection should be withdrawn.

Claims 18, 19, and 20

Claims 18, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garcia in view of Stobbe, Parks, or Wendelrup, respectively. These rejections are respectfully traversed.

Claims 18-20 depend from claim 16. As set forth above Garcia fails to teach or suggest claim 16. Stobbe, Parks, and/or Wendelrup fail to make up for the deficits of Garcia. Neither Garcia nor Stobbe, Parks, and/or Wendelrup, either alone or in combination teaches or suggests, for example, a polling message including a data structure having a header and a payload. Therefore, the rejection should be withdrawn.

New claims 28-31 are believed to be allowable over the cited references.

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Amendment dated February 1, 2006
Reply to Office Action of November 23, 2005

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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